

Notice of Allowability

Application No.

09/856,681

Examiner

Christopher J Nichols, Ph.D.

Applicant(s)

BEHL ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 March 2004.
2. ☒ The allowed claim(s) is/are 26,29,32-34 and 38-40.
3. ☒ The drawings filed on 17 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Application, Amendments, and/or Claims

1. The Amendment and Response filed 15 March 2004 has been received and entered in full.
2. The Amendment filed 22 May 2001 has been received and entered in full.
3. The Amendment filed 25 January 2002 has been received and entered in full.

Withdrawn Objections And/Or Rejections

4. All Objections and Rejections not herein maintained are hereby *withdrawn*.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "3A" and "3B" are not in the Specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

EXAMINER'S AMENDMENT

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 1-25 (Cancelled)

Claim 26 (Previously Presented) An isolated protein comprising a protein encoded by SEQ ID NO: 1.

Claims 27-28 (Cancelled)

Claim 29 (Currently Amended) An isolated protein ~~comprising~~ consisting of a protein encoded by SEQ ID NO: 3.

Claims 30-31 (Cancelled)

Claim 32 (Previously Presented) An isolated protein comprising the amino acid sequence SEQ ID NO: 2.

Claim 33 (Currently Amended) An isolated protein ~~comprising~~ consisting of the amino acid sequence SEQ ID NO: 4.

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Claim 34 (Currently Amended) An isolated protein comprising a protein encoded by the nucleic acid sequence coding for human semaphorin 6A-1 comprising:

- (a) the nucleotide sequence shown in SEQ ID NO: 1,
- ~~(b) a sequence corresponding to the nucleotide sequence shown in SEQ ID NO: 1 within the degeneration of the genetic code, or~~
- ~~(c) or~~
- (b) a sequence which hybridizes with the sequences of (a) ~~or/and (b)~~ under the following stringent conditions:

(i) 1x SSC and 0.1% SDS at 62°C

with the proviso that it contains a nucleic acid coding for a binding domain of human semaphorin 6A-1 ~~comprising:~~

- ~~(d) the nucleotide sequence shown in SEQ ID NO: 3,~~
- ~~(e) a sequence corresponding to the nucleotide sequence shown in SEQ ID NO: 3 within the degeneration of the genetic code, or~~
- ~~(f) a sequence which hybridizes with the sequences of (d) or (e), or both, under stringent conditions.~~

Claims 35-37 (Cancelled)

Claim 38 (Previously Presented) A composition comprising the protein of Claim 32 and a pharmaceutically acceptable carrier.

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Claim 39 (Previously Presented) A composition comprising the protein of Claim 33 and a pharmaceutically acceptable carrier.

Claim 40 (Previously Presented) A composition comprising the protein of Claim 34 and a pharmaceutically acceptable carrier.

Claims 41-56 (Cancelled)

7. Authorization for this examiner's amendment was given in a telephone interview with John McDonald on 26 May 2004.

Summary

8. Claims **26, 29, 32, 33, 34, 38, 39, and 40** are hereby allowed.

9. The Examiner acknowledges that acceptance of the above Examiner's Amendment does not mitigate in any way, shape, or form, Applicant's right to pursue additional subject matter in continuation, continuation-in-part, and/or divisional applications pursuant to 35 U.S.C. §120 and §121.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher James Nichols, Ph.D.** whose telephone number is **(571) 272-0889**. The examiner can normally be reached on Monday through Friday, 8:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gary Kunz, Ph.D.** can be reached on **(571) 272-0887**.

The fax number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

CJN

May 26, 2004



ELIZABETH KEMMERER
PRIMARY EXAMINER